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Netherlands

Food and Agricultural Import Regulations and Standards Report

FAIRS Annual Country Report

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Report Highlights:
This report is an addendum to the EU FAIRS report – E17080. It lists the Dutch import regulations and standards that are not harmonized within the EU or where the Netherlands varies with the EU standards.

DISCLAIMER:
While every possible care was taken in the preparation of this report, the information provided may not be completely accurate because policies may have changed since its preparation, or because clear and consistent information about these policies was not available at the time. It is highly recommended that U.S. exporters verify the full set of import requirements with their Dutch buyers, who are in the best position to research such matters with local authorities, before any goods are shipped. Final approval of any product is subject to the Dutch rules and regulations as interpreted by border officials at the time of product entry.

This report was prepared by FAS The Hague and lists the Dutch import regulations and standards that are not harmonized within the EU or where the Netherlands varies with the EU standards. The report should be read in conjunction with the GAIN E17080 - EU Food and Agricultural Import Regulations and Standards (FAIRS) Report, December 7, 2017. The sections below are numbered to correspond to the numbers in the EU Report. FAS The Hague recommends to also read the GAIN NL7045 - Netherlands Food and Agricultural Import Regulations and Standards (FAIRS) – Certification Report, December 19, 2017.

NOTE: Please be aware that in some instances you could be asked to enter a password, however this is not necessary; simply hit 'cancel' and then 'ok' for the report to load.

Most but not all food legislation is harmonized at the EU level. Imported products must meet existing Dutch requirement in cases where EU regulatory harmonization is not yet complete or absent. U.S. exporters should be aware that products not covered by EU-harmonized food law may be subject to Dutch rules. National measures still exists for enzymes, processing aids, packaging waste management, food contact materials, choice of language, use of stickers, fortified foods, gelatin capsules containing fish oil, irradiated foodstuffs and product registration.

Section I. General Food Laws

The Netherlands

As a member of the EU, the Netherlands conforms to all EU regulations and directives. Regulation (EC) 178/2002 (General Food Law) is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. The Dutch Food and Drugs Law is called "Warenwet". The Warenwet provides the Dutch regulatory framework for all food and non-food products. It applies to domestically produced and imported products. Revisions of the Dutch Food and Drugs Law are published in the "Staatscourant". The Food and Drugs Law and revisions can be found on http://wetten.overheid.nl/zoeken/. At this website all other Dutch legislation can be found as well. Unless otherwise specified, all of the references are linked to legislation in the Dutch

language. If you need further assistance, please contact FAS The Hague via AgTheHague@fas.usda.gov or +31 70 3102 305.

The Netherlands Food and Consumer Product Safety Authority, or NVWA, is the name of the Dutch food safety authority. Its task is to protect human and animal health. The NVWA monitors food and consumer products to safeguard public health and animal health and welfare. It also controls the whole production chain, from raw materials and processing aids to end products and consumption. The NVWA is an independent agency in the Ministry of Agriculture, Nature and Food Quality. The three main tasks of the Authority are: supervision, risk assessment and risk communication. More detailed information on the NVWA can be found on their website and their contact details in Appendix I.

Section II. Food Additive Regulations

C. Enzymes

The existing provisions in the Netherlands on the marketing of food enzymes will continue to apply until the adoption of an EU positive list of authorized enzymes, which is currently being worked on. In addition, there are restrictions on the use of enzymes in meal and bread in the Netherlands. Guidance documents on the use of enzymes can be found on the European Commission's website http://ec.europa.eu/food/safety/food_improvement_agents/enzymes/eu_rules_en. The competent authority is the Ministry of Health, Welfare and Sport (see Appendix I).

D. Processing aids

EU harmonized rules exist only for certain categories of processing aids: a list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of use has been established in Council Directive 2009/32/EC. Processing aids that are subject to Dutch legislation can be found in the 'Warenwetbesluit Bereiding en Behandeling van Levensmiddelen' and 'Warenwetregeling Extractiemiddelen'. The competent authority is the Ministry of Health, Welfare and Sport (see Appendix I).

Section III. Pesticides and Other Contaminants

A. Pesticides

EU Regulation 1107/2009 sets out rules for the authorization of plant protection products. For the authorization/withdrawal of plant protection products, the EU is divided into three zones. The Netherlands together with Belgium, Czech Republic, Germany, Ireland, Luxembourg, Hungary, Austria, Poland, Romania, Slovenia, Slovakia and the United Kingdom fall in Zone B – Centre (see Annex I of regulation 1107/2009).

Section IV. Packaging and Container Requirements

B. Packaging waste management

Member States are required to take measures to reduce packaging waste and must introduce systems for reuse, recovery and recycling of packaging materials (Council Directive 94/62/EC). In the Netherlands, the Afvalfonds Verpakkingen ('Packaging Waste Fund') was established by producers and importers to collectively meet the extended producer responsibilities as stated in the Packaging Decree and Packaging Agreement. More information can be found on their website https://afvalfondsverpakkingen.nl/en/ and http://www.pro-e.org/netherlands1.htm.

C. Material in contact with food stuffs

An introduction to the European Food Contact Material (FCM) legislation is to be found on the website of the European Commission, http://ec.europa.eu/food/food/chemicalsafety/foodcontact/documents_en.htmhere.

Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific EU directives as described in the GAIN E17080 - EU Food and Agricultural Import Regulations and Standards (FAIRS) Report, December 7, 2017. In the case of the Plastic Regulation, such additional authorizations can only be granted if the Regulation allows so (as is the case with polymer production aids). As a general rule in European law, Member States may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health; this however is a practice that is rarely used. When there is no specific EU legislation, Member States may establish national measures. The Netherlands has national rules on a number of materials: paper and board, rubber, metals and alloys, glass and glass ceramics, ceramics and enamels, textiles, wood and cork, coatings and varnishes, and colorants and pigments. The Dutch Warenwet covers the legislation on and requirements for food contact materials, detailed information can be found here. The competent authority is the Ministry of Health, Welfare and Sport (see Appendix I).

Section V. Labeling Requirements

A. General requirements

The standard U.S. label fails to comply with EU labeling requirements. On December 13, 2014, the EU's new "Food Information to Consumers (FIC)" regulation 1169/2011 became applicable to all pre-packaged food and drink products marketed in the EU, including those imported from non-EU countries. The mandatory nutrition declaration requirement introduced by the new FIC regulation became applicable on December 13, 2016. More information can be found on the following website, http://www.usda-eu.org/trade-with-the-eu/eu-import-rules/eu-labeling-requirements/.

4. Language requirements

Dutch is the official language of the Netherlands. Labels have to be in Dutch. Additional languages on the labels are allowed.

7. Minimum durability

Annex X to the "Food Information to Consumers (FIC)" regulation 1169/2011 sets out rules for the indication of the date of minimum durability, use-by date and date of freezing. The use-by date must be indicated on individual pre-packed portions. The durability date AND the date of (first) freezing preceded by the words "frozen on" is required on labels of frozen meat, frozen meat preparations and frozen unprocessed fishery products.

In English:	**In Dutch:**
-The date shall be preceded by the words:	
'Best before'	'Ten minste houdbaar tot'
'Best before end'	'Ten minste houdbaar tot einde'
-The 'use by' date shall be preceded by the words:	
'Use by'	'Te gebruiken tot'
-The date of freezing or the date of first freezing shall be preceded by the words:	
'Frozen on"	'Ingevroren op'

14. Trans fats

Denmark, Austria, Hungary and Latvia have set national legal limits on industrially produced trans fats in foods. In the Netherlands, the food industry, food distributors and the Ministry of Health signed a voluntary agreement, National Agreement to Improve Product Composition 2014-2020, to further reduce the levels of salt, trans fats and calories in food products and also to produce products with smaller portion sizes.

15. Use of stickers
Packaged food products from the United States are often imported with a standard U.S. label and relabeled in the Netherlands in order to meet the Dutch labeling requirements. Stick-on labels are accepted in the Netherlands.

16. Samples
Products used for research and diagnosis, pathogens, trade samples and demonstration material purposes that are not approved to export to the Netherlands can in some cases be granted an import exemption. An import exemption can be requested by completing the following document. Additional information on requesting an import exemption can be found on the website of the NVWA.

Section VI. Other Specific Standards

A. Novel foods

The new EU framework regulation 2015/2283 on Novel Foods becomes applicable on January 1, 2018. For questions relating to the novel food status of a product or ingredient, please contact the Ministry of Health, Welfare and Sport (see Appendix I).

D. Fortified foods

EU Regulation 1925/2006 sets out harmonized rules on the addition of vitamins and minerals to food. However, maximum permitted levels of vitamins and minerals are not yet harmonized and still subject to Member States' national rules. In the Netherlands, these national rules are regulated in the Dutch Decision Warenwetbesluit toevoeging micro-voedingsstoffen aan levensmiddelen. The competent authority is the Ministry of Health, Welfare and Sport (see Appendix I).

F. Food supplements

The EU import requirements for U.S. gelatin capsules containing fish oil have changed. Regulation (EC) No 999/2001 has been amended by Commission Implementing Decision 2016/1196. As a result, U.S. manufacturers of these products who wish to export to the Netherlands need in addition to a fishery certificate issued by U.S. Department of Commerce NOAA a TSE attestation per Annex V to Regulation (EC) No 999/2001.

G. Irradiated foodstuffs

Harmonization of EU rules on food irradiation has been slow and only a few products have so far received EU-wide approval. Until the EU positive list is expanded, national authorizations continue to apply. When the requirements in the Dutch Decision Warenwetbesluit Doorstraalde Waren are met, it is possible to import irradiated food products from the United States into the Netherlands. The main requirements are that the treatment must have taken place at an EU approved facility and that each shipment must include the name and address of this approved facility.

In English:
If products, treated with ionizing radiation, are sold as items, the words 'irradiated' or 'treated with ionizing radiation' shall appear on the label.

In Dutch:
In the Netherlands the label should mention 'doorstraald', 'door straling behandeld' or 'met ioniserende straling behandeld'.

The competent authority is the Ministry of Health, Welfare and Sport (see Appendix I).

Section VII. Facility and Product Registration Requirements

B. Product registration

Certain foods, such as total diet replacements for weight control, falling within the scope of the EU's Foods for Specific Groups Regulation 609/2013 must be notified to the competent authority of the Member State where the food is marketed.

Exporters of vitamin-enriched foods or nutritional supplements are especially advised to check for the existence of specific Member State registration or notification requirements. The competent authority is the Ministry of Health, Welfare and Sport (see Appendix I).

Section VIII. Other Certification and Testing Requirements

Composite products

Composite products have been a problem due to the requirement that more than one ingredient needs to be certified with the exception of composite products that contain only dairy and egg products.

Inspections

In the Netherlands the NVWA is responsible for inspections. Criteria for laboratories conducting food controls have been harmonized but it is the Member States' responsibility to designate laboratories that are allowed to perform analyses. A list of laboratories designated by the Netherlands to perform analysis can be found at the website of the Dutch Accreditation Council, https://www.rva.nl/en/accredited-organisations/all-accredited-bodies. Different laboratories are accredited for the different type of controls.

Dutch Accreditation Council (RVA)
P.O. Box 2768, 3500 GT Utrecht, the Netherlands
Phone: +31 30 2394 500
Email: contact@rva.nl
Website: https://www.rva.nl/en

Section IX. Import Procedures

Animals and products are brought in from countries all over the world into the European Union. To prevent the introduction of animal diseases and to protect the market from public health risks, the European Commission set out detailed regulations. On this basis the Dutch NVWA performs checks on:

- **Live animals** (such as horses, chicks and ornamental fish) and products of animal origin (such as meat, fish, wildlife, and animal feed): More detailed information on the import procedure of animals and products of animal origin can be found on the following websites https://english.nvwa.nl/topics/themes/animal-health and https://www.nvwa.nl/onderwerpen/import-van-dieren-en-producten-van-dierlijke-oorsprong.

- **Food stuffs** (such as vegetables, dried fruits, spices, nuts and seeds): More detailed information on the import procedure of food stuffs can be found https://english.nvwa.nl/topics/themes/food-safety and https://www.nvwa.nl/onderwerpen/import-van-levensmiddelen-en-consumentenproducten.

- **Plant products**: Veterinary checks are applicable to some plant products, especially hay and straw. These products may only be imported from certain countries. More detailed information on the import procedure of plant products can be found https://english.nvwa.nl/topics/themes/plant-health and https://www.nvwa.nl/onderwerpen/import-planten-groenten-fruit-plantaardige-producten.

The CITES regulations (CITES: Convention on International Trade in Endangered Species of wild flora and fauna) are, in addition to the national and EU legislation, applicable on the import of live animals, animal products, food and plant products into the Netherlands.

Below is an overview of the possible checks:

- **Documentary check**: This is an examination of the original required documents that accompany the consignment based on model certificate according to EU legislation, carried out by Customs based on an agreement between Ministry of Economic Affairs and Ministry of Finance.
- **Identity check**: This is to ascertain that the products correspond to the information given in the accompanying certificates or documents. All veterinary goods undergo an Identity check and this check is conducted by comparing the seal number of the container with the seal number mentioned on the Health Certificate. If no seal number is mentioned on the Health Certificate, the veterinary authorities will need to open the shipment to conduct the Identity check.
- **Physical check**: This is a check on the product itself to verify compliance with the food or feed law.

When the NVWA decides to detain a shipment, it will draw up an official notification which will be sent to the freight forwarder. This notification will mention the reason why this shipment was detained and what needs to be done in order to release it. If the NVWA **plans to reject** a shipment it will draw up this notification; if the NVWA **has decided to reject** a shipment it will draw up this notification. Additional information can be found here.

Obtaining the product's commodity code:

In the Netherlands it is possible to obtain Binding Tariff Information (BTI) by contacting the Tax Office and completing the application form. This service is advisable for especially more complex food products, as it involves closer consideration of the product's composite ingredients and is legally binding. With a BTI both the U.S. exporter and the Dutch importer know how the goods are classified and what documentation is required.

Tax Office
Belastingdienst Douane
Regio Rotterdam Rijnmond
Team Bindende Tariefinlichtingen
Postbus 3070, 6401 DN Heerlen, the Netherlands
Phone: +31 88 153 4414

Section X. Copyright and/or Trademark Laws

A. Trademarks

The Netherlands' Office for Intellectual Property is the official government body responsible for granting patents, designs, trademarks and copyright. Exporters wanting to register trademarks/brand names are advised to contact:

The Office for Intellectual Property
Bordewijklaan 15, 2591 XR The Hague, the Netherlands
Phone: +31 70 349 1111
Website: www.boip.int

More detailed information on trademarks can be found here.

Appendix I. Government Regulatory Key Agency Contacts

Ministry of Health, Welfare and Sport
Department for Nutrition, Health Protection and Prevention
Team Food Safety
P.O box 20350
2500 EJ The Hague, the Netherlands
Phone: +31 70 340 6957
E-mail: dienstpostbusVGP-secretariaat@minvws.nl
Website: https://www.rijksoverheid.nl/ministeries/ministerie-van-volksgezondheid-welzijn-en-sport

Ministry of Agriculture, Nature and Food Quality
PO Box 20401, 2500 EK The Hague, the Netherlands
Phone: +31 70 379 8911
Website: https://www.rijksoverheid.nl/ministeries/ministerie-van-landbouw-natuur-en-voedselkwaliteit

Ministry of Finance
Korte Voorhout 7, 2511 CW The Hague, the Netherlands
Phone: +31 70 342 8000
Website: https://www.rijksoverheid.nl/ministeries/ministerie-van-financien

The Netherlands Food and Consumer Product Safety Authority (NVWA)
PO Box 43006, 3540 AA Utrecht, the Netherlands
Phone: +31 88 223 3333
Email: info@nvwa.nl
Website: www.nvwa.nl